

FRESH THINKING FOR AN OLD PROBLEM

Report of the Naval War College Workshop on Countering Maritime Piracy

Commander James Kraska, JAGC, U.S. Navy

The problem of maritime piracy off the coast of Somalia has escalated over the past year, beginning with the seizure of the very large crude carrier *Sirius Star* in November 2008. The supertanker was carrying two million barrels of oil, and a ransom of three million dollars was paid for the release of the \$100 million cargo and the twenty-five crew members being held hostage. The *Sirius Star* motivated a number of important international initiatives to counter piracy.

More progress occurred in counterpiracy diplomacy during the ninety days between the end of October 2008 and end of January 2009 than had transpired

James Kraska is a professor of international law in the International Law Department, Center for Naval Warfare Studies, U.S. Naval War College, and a guest investigator at the Marine Policy Center, Woods Hole Oceanographic Institution. Commander Kraska served in four Pentagon staff assignments in seven years, most recently as Chief, International Negotiations Division on the Joint Staff. Commander Kraska also served two tours as legal adviser for Navy and joint force operational commanders in U.S. Pacific Command. A graduate of the School of Politics and Economics, Claremont Graduate School, Commander Kraska is a fellow with the Inter-University Seminar on Armed Forces and Society. He earned a professional doctorate from the Maurer School of Law, Indiana University, and is completing a research doctorate from the University of Virginia School of Law. He may be reached at james.kraska@gmail.com.

in the previous ninety years. During this time the United Nations finished a comprehensive report on the issue of piracy off the coast of Somalia, and the Security Council adopted Resolutions 1846 (on 2 December) and 1851 (on 16 December). Resolution 1851 encouraged creation of a multinational Contact Group on Piracy off the Coast of Somalia; the "Contact Group," as it is known, consists of more than twenty nations and met for the first time in January 2009. Since then, the Contact Group and subordinate working groups have met on a number of occasions, with the fourth meeting, in September, to be chaired by Japan. The United Kingdom signed a bilateral agreement to hand over pirates to Kenya in December, and the United States signed a similar agreement in

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 2009		2. REPORT TYPE		3. DATES COVERED 00-00-2009 to 00-00-2009	
4. TITLE AND SUBTITLE Fresh Thinking for An Old Problem, Report of the Naval War College Workshop on Countering Maritime Piracy Vol 62 N 4				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval War College Review, Monterey ,CA				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 14	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

January. (The European Union and Kenya signed a similar accord on 6 May. The Arab and African states in the region reached agreement on the nonbinding Djibouti Code of Conduct to facilitate greater regional cooperation against piracy. Both the Contact Group and the Djibouti Code nations acknowledged the need to create a regional counterpiracy center modeled on the sixteen-nation regional counterpiracy Information Sharing Centre in Singapore.

In early 2009 the expectation was that these efforts would soon begin to pay off, reducing the number of attacks from 2008. Nearly nine hundred seafarers had been taken hostage in 2008, and pirates had seized more than forty vessels. But by May 2009 the number of piracy attacks off the coast of Somalia already had eclipsed the figure in 2008. The blueprints for a more effective international-law framework have largely been drafted; reducing piracy now requires that the next steps be taken.

With this in mind, the International Law Department of the Center for Naval Warfare Studies at the Naval War College in Newport, Rhode Island, conducted a counterpiracy workshop on 7 and 8 April 2009.¹ Comprising fifty legal and policy experts from across the globe, the workshop captured a number of findings and vetted recommendations for continuing the effort against maritime piracy. The participants “took away” four major findings. First, it was apparent to them that piracy in the Horn of Africa has emerged from a complex political, economic, and cultural milieu. No single response will solve the problem. Second, regional capacity building and collective maritime action will be required to contend with the challenge of piracy so long as pirates enjoy sustained sanctuary in Somalia. Proposals to stop piracy by “fixing” Somalia, however, beg the question of how to go about the task, as it is doubtful that the international community has the capability or will to transform Somalia quickly into a stable and viable state.

Third, the participants were convinced that only the major maritime powers have the skill and resources to help the regional states expand coastal and littoral maritime-security capability rapidly. Security assistance to the regional states, including training and provision of patrol craft, can shift responsibility for counterpiracy to the states of the neighborhood. Eventually, these states should acquire and operate offshore patrol vessels, even corvettes. Shifting responsibility for maintaining rule of law at sea to the regional powers, the workshop felt, benefits everyone. Finally, the civil shipping industry should take a greater role in protecting merchant vessels, including integrating passive design measures that make it more difficult for pirates to board a ship. In some cases, this means that provision of private armed security may be appropriate.

The workshop was designed to take a fresh look at the threat of maritime piracy off the Horn of Africa, assess the tremendous progress in international law

and diplomacy that has transpired to address the problem, and consider the way forward. By collecting many of the world's top experts to consider the threat of maritime piracy and by providing a forum in which they could discuss the issue in a frank and open way, the workshop challenged some conventional thinking and explored new approaches. The participants brought significant diversity and depth of expertise. Many are involved in day-to-day decision making on counterpiracy operations, policy, and international law in Europe, Asia, and the United States.² The workshop comprised participants from South and East Asia, Europe, and the United States. The participants represented a variety of eclectic professional backgrounds; they included international-law attorneys; advisers in the areas of oceans policy, irregular maritime warfare, and maritime piracy, from several continents; representatives of the international civil shipping industry; and maritime piracy and naval experts from academic and policy research institutions. The work was facilitated by a state-of-the-art briefing center—the Naval War College's Decision Support Center—that can anonymously tabulate participants' responses to issues under consideration, creating a nonattribution record of the proceedings.

THE THREAT

The workshop opened with a presentation by a prominent irregular maritime warfare expert, who provided a threat assessment for the group. The threat assessment concluded that although Somalia is a failed state, it is not a failed society. Central government has collapsed, but other forms of authority remain. Some forms of authority are local, restricted to individual towns and villages. Others derive from clan or subclan status and from elders able to exercise their authority using traditional means. Power also flows from political figures, who exercise authority through negotiation or the patronage of largely self-interested supporters or allies. Finally, militias and Islamic courts exercise considerable influence in Somali society. Clan organization, then, is a context rather than a determinant of piracy.

On 21 November 2008 the UN released a report by the special representative of the secretary-general on piracy off the coast of Somalia, based on meetings held in Nairobi, Kenya.³ The Nairobi report suggests that piracy off the coast of Somalia is driven by the volatile security and political situations inside the country, rampant poverty, and other factors. Using the Nairobi report as a point of departure, the workshop considered the leading contributors to maritime piracy in East Africa. The workshop participants considered the causal factors contained in the Nairobi report as potential drivers of Somali piracy, independently scoring them by perceived importance.

Among the factors considered as potentially contributing to Somali piracy were poverty; lack of employment; environmental hardship; a reduction in pastoralist and fishing resources; illegal, unregulated, and unreported (IUU) fishing; and the volatile political and security situations. The experts were asked to score these factors in order of importance. On average the participants scored factors highest in relation to the volatile security and political situations in Somalia and lowest in regard to environmental hardship. Several workshop experts suggested additional factors that they considered important in fostering conditions in which piracy can flourish. First, a sanctuary ashore provides a haven from which pirates can operate with apparent impunity. Second, the opportunity to conduct piracy is enhanced by the geographic location of the nation of Somalia and close proximity of the major piracy hubs of Haradhere and Eyl to the international shipping route through the Suez Canal. Third, the presence in Somalia of legions of destitute young men and of numerous unpaid, or underpaid, complicit and corrupt officials populates the piracy enterprise. Finally, the low level of risk of getting either caught or killed while committing piracy, and the prospect of high rewards, continues to draw Somalis into the illicit business. The risk/reward calculus is favorable to piracy, attracting more than two hundred teams, and the number is increasing.⁴ It has to be changed.

A number of nations have readily paid ransoms in order to obtain the release of their nationals and ships held by Somali pirates. Some states, including Denmark, have themselves released captured pirates unpunished due to legal and diplomatic confusion or difficulty in detaining and prosecuting the perpetrators in criminal court. The Nairobi study suggests that these practices have encouraged piracy. Although the wider international community has universally condemned piracy off the coast of Somalia, the Nairobi report indicates, the same nations have been tolerant of piracy by either sanctioning the crime or facilitating payment of ransoms. Some nations have deployed warships to the area apparently without giving them authority to take robust action to arrest or detain pirates or to use force to disrupt attacks. The workshop experts were asked to characterize whether they agreed with the Nairobi report's description of the response by the international community. Most of the experts—thirty of thirty-four—either agreed or strongly agreed with the report's characterization that the international community has either sanctioned or tolerated maritime piracy off the coast of Somalia. Only four experts either disagreed or strongly disagreed with the report in this regard.

The workshop received a detailed brief on the political, social, and economic motivations of Somali pirates. Pirates are exploiting the vacuum created by anarchy in Somalia. The lack of rule of law inside the nation spills offshore. Somali pirates are driven by the goal of pecuniary gain. Moreover, the crime of

maritime piracy has some amount of acceptance in a society whose values have been distorted by conflict and violence. Piracy in the offshore areas of Somalia is perpetrated by organized criminal gangs that benefit from political protection, so solutions will have to account for the wider political context inside the country. The rational risk/reward calculus of the pirate gangs has to be changed by making piracy less rewarding and at the same time more risky. So far there has been a high tolerance for piracy because costs are diffuse throughout the international system, with no single nation bearing the burden. Consequently, organizing a response to thwart piracy represents a classic collective-action problem. The need to shift the outcome of this equation is obvious, but the means to do so are debatable. This conclusion gives rise to the division of responsibility among regional states, distant states, and the private sector.

The experts carefully considered a series of questions posed to them over the course of the two-day workshop. Many of the queries were designed to capture the sense of the group by placing a proposition on the table and then asking the experts to respond. Generally, participants categorized their replies into quintiles—strongly agree, agree, neutral, disagree, or strongly disagree.

The experts provided individual assessments of the likely impact of Somali piracy on international trade from Europe to Asia through the Suez Canal and the Gulf of Aden over the next five years. Twenty of thirty-four experts agreed that the impact of Somali piracy is likely to be severe on Europe-to-Asia maritime trade through the Suez Canal, the strait of Bab el Mandeb, and the Gulf of Aden over the next five years. Thirteen experts disagreed or strongly disagreed, and one expert was neutral on this question. In sum, there was a lack of consensus on the severity of the impact of Somali piracy along the critical trade route connecting Europe and Asia.

The workshop also considered the anticipated impact of Somali piracy on global shipping over the next five years. The participants' views were even more circumspect than on the previous question. A greater number of experts—sixteen—either disagreed or strongly disagreed with the proposition that the likely impact of Somali piracy on global shipping will be "severe." Seven participants registered a "neutral" response, and no expert was in strong agreement with the statement that the impact of piracy will be severe.

Similarly, the workshop experts were not in agreement on the number of piracy attacks expected to occur in the region in 2012. In 2008, more than a hundred vessels were attacked, and more than forty were hijacked off the Horn of Africa. When asked, "By 2012, how many vessels do you expect to be successfully hijacked in the region?" the experts gave estimates ranging from a low of two or three per year to a high of 450, with most responses in the 50-to-250 range.

There was, however, quite strong agreement that if Somali piracy is to be successfully addressed, the rule of law has to be restored in the Puntland region of Somalia. Puntland serves as the primary staging area for most piracy emanating from the country. Thirty-three out of thirty-four experts agreed or strongly agreed that restoration of the rule of law in Somalia was essential for curbing piracy. Only one expert disagreed with the statement that “in order to curb piracy in the offshore region, it is necessary for law and order to be restored in Puntland and the coastal areas of Somalia.”

The next question considered by the experts posed a broader challenge: If it is necessary to restore law and order in Somalia, how can that goal be achieved? There is an absence of international consensus on how to engineer the stabilization and reconstruction of Somalia; some analysts are so discouraged that they doubt the country can be stabilized any time soon. The elusive quest for a “Somalia policy” has persisted since the collapse of the country in 1991; neither the United States nor other nations have found a coherent approach to revitalizing the country. The issue of piracy, however, has now attracted public attention to the plight of Somalia. On 23 April 2009, thirty nations participating in a UN meeting in Brussels developed a \$250 million plan to restore stability in the fractured state. Strengthening regional maritime security in order to reduce piracy was among the top concerns at the conference. The international community, the conference attendees felt, has a chance to turn adversity into opportunity and perhaps bring some measure of law and order to the country. It remains to be seen whether the donors’ conference that was conducted in Brussels will make a positive and marked difference.

REGIONAL RESPONSES

During the past five years, a large group of Asian states have cooperated to counter piracy in the straits of Malacca and Singapore and throughout Southeast Asia. Many observers credit these efforts with reducing the incidence of piracy throughout the Asia-Pacific, and such cooperation has knit the nations together in a regional counterpiracy community. Asian counterpiracy cooperation has emerged from three mutually supporting initiatives.

First, under the leadership of Japan in 2004, sixteen nations signed the Regional Agreement on Combating Piracy and Armed Robbery (ReCAAP).⁵ ReCAAP, the first treaty dedicated solely to combating piracy, established an organization that operates an advanced information fusion and sharing center in Singapore. The Information Sharing Centre helps individual nations take action to avoid piracy attacks and respond more effectively when they occur. Second, beginning in 2005, more than twenty-five states that regularly use the straits of Malacca and Singapore—including the large trading nations of China, Japan,

the United States, and Korea—began meeting with the littoral states of Malaysia, Indonesia, and Singapore to develop a combined framework for improving maritime safety in the straits.⁶ The meetings were sponsored by the International Maritime Organization (IMO), the UN specialized agency for maritime matters and shipping regulation, located in London. After several years, the user nations and littoral states signed the Cooperative Mechanism, an agreement that enables user states to help littoral nations develop maritime-security capacity for better management of the straits.⁷ Third, the three littoral states along the straits of Malacca and Singapore also began coordinating surface and air patrols in order to improve security in the area. Recently Thailand has joined the effort.

The workshop experts considered whether these three East Asian initiatives could be transplanted successfully to East Africa. Although the benefits of doing so were potentially significant, the responses indicated that the experts were quite divided on the feasibility of transplanting the “Asian model” of counterpiracy cooperation and international institutions to the Horn of Africa. Thirteen experts disagreed or strongly disagreed that the Asian initiatives were a suitable model for East Africa. On the other hand, twelve experts either agreed or strongly agreed that such institutions could be transplanted from Southeast Asia to the Horn of Africa. Seven experts were neutral on this issue.

Relatedly, the experts were nearly unanimous in rejecting the notion that no key differences exist between piracy off the coast of Somalia and in Southeast Asia. Seventeen experts strongly disagreed, and thirteen disagreed, with the proposition that no key differences existed between piracy in Africa and piracy in Asia. Only one expert agreed (and one expert strongly agreed) with the statement. Somalia is a failed state, embroiled in crime, ethnic and tribal conflict, and endemic corruption and woefully lacking effective governance, predictability, and rule of law. Its social fabric and governance are in disrepair. Its neighboring nations of East Africa are more functional, but even they face startling defects in governance, security, and bureaucratic capacity. The region is not economically dynamic, like East Asia. Consequently, the area suffers from a low tax base, low penetration of technology, and difficulty in integrating populations of various backgrounds.

Similarly, nearly all of the discussants disagreed or strongly disagreed with the idea that no modifications would be required if the Asian model of fighting piracy could be transplanted to Africa. Clearly, if East Asian approaches and institutions are to be adopted in East Africa, they will have to be tailored to local conditions. Only one expert suggested that no modification would be needed for transplanting the Asian model to the Horn of Africa. Eighteen experts strongly disagreed and thirteen experts disagreed with the statement that no modifications to the

Asian model of counterpiracy cooperation would be necessary in order to transplant it to the coast of Somalia.

DIPLOMATIC RESPONSES

Given that it is unlikely that quick progress can be made in changing the fundamental conditions that abet piracy, the immediate focus must be on containing it and taking cost-effective measures to reduce or manage the risk. The international community already has achieved significant diplomatic success in countering piracy.

Recent efforts include, as previously mentioned, release of a UN study (the Nairobi report); formation of the UN Contact Group; negotiation of the Djibouti Code of Conduct; bilateral agreements between the United States, the United Kingdom, and the European Union, respectively, with Kenya; and Security Council Resolutions 1816, 1838, 1846, and 1851, under Chapter VII of the UN Charter (authorizing states to take “all necessary measures”). With a view toward building on this progress, the experts were asked to consider how much responsibility various global actors had for addressing the problem of piracy off the coast of Somalia. Among the categories of actors were regional states, the shipping industry, flag states, and nations with the most registered vessels at risk of piracy attack. Interestingly, the workshop experts assigned fairly similar levels of responsibility to regional states, the shipping industry, and flag states.

The workshop experts also were asked to score the importance of various international institutions in countering maritime piracy off the Horn of Africa. The experts each assigned values to the relative importance of particular international institutions in addressing the problem of piracy off the coast of Somalia. The UN Security Council topped the list of the most important global institutions for countering maritime piracy, followed by the IMO and the European Union.

Furthermore, the workshop considered the question of whether the diplomatic efforts now under way were well integrated with the naval efforts to suppress piracy. The responses to this question indicated a lack of widespread agreement among the experts on the point. Twelve experts agreed or strongly agreed that the efforts were well integrated, eleven experts were neutral on this point, and ten experts either disagreed or strongly disagreed with the proposition. In addition to responding to these questions, the experts provided recommendations on other diplomatic initiatives that might offer promise. It was noted that the Djibouti Code of Conduct was a nonbinding instrument and some experts suggested that the Arab and African states that negotiated it should make it a binding treaty. Furthermore, participants felt states from outside the area should be encouraged to provide assistance in the form of

training, communications, small boats, and infrastructure to improve the maritime-security capacity of the nations of the Horn of Africa. Just as Japan provided leadership in construction of a regional counterpiracy center in Singapore, one or more nations should assist the regional states in the construction and operation of a regional maritime-security coordination center. In this regard, Egypt and Saudi Arabia possess the means and the interest necessary to develop greater maritime security in the region.

The UN Security Council, the experts suggested, should consider authorizing naval forces operating in the area to seize the accoutrements of piracy, such as high-horsepower outboard motors mounted on the sterns of Somali skiffs. The Security Council could declare a specifically tailored maritime exclusion zone adjacent to the Somalia coastline, forbidding the use of large outboard motors within it. Fishermen and other civil boatmen have little need for high-powered outboard motors, which enable the small and fast pirate skiffs to overtake large merchant vessels. By banning the use of such powerful engines, the international community can reduce the availability of the means of pirate attack. Such engines should be subject to seizure and destruction on sight by the international naval forces operating in the area.

Further, the Contact Group should adopt a means of decoupling the Somali piracy gangs from the tribal and social structure of the country through targeted aid and increased support to alternative centers of authority inside the country. The donors' conference is a first step toward realizing this approach. Furthermore, the international community, possibly working through INTERPOL, should implement a counterpiracy "rewards for justice" program to identify and apprehend the leading offenders.

OPERATIONAL COORDINATION

Somalia has the longest coastline in Africa, off of which are over two million square miles of water at risk of piracy, a factor that complicates naval strategy. The experts were divided as to whether the world's naval forces are effective in addressing piracy off the Horn of Africa. Not one expert strongly agreed that naval forces are effective and sixteen experts either disagreed or strongly disagreed. Four experts were neutral on the proposition, and ten experts agreed, that naval forces were effectively responding to piracy.

Moreover, the deployment of large numbers of warships from distant states into the area is probably not sustainable. Many of the nations that have sent warships are unaccustomed to operating them far from home waters and without logistical support in unfamiliar regions. Furthermore, it is not clear that such a large area can realistically be patrolled at all, even by a large multinational force. It would take more than sixty warships to provide an effective presence over the

length of a single, narrow transit corridor. Until other, more effective approaches are developed and begin to show progress, however, there is no immediate substitute for operational patrols by major maritime powers. In fact, a majority of workshop experts—eighteen out of twenty-two—either agreed or strongly agreed that out-of-area naval forces should be doing even more than at present to counter piracy.

The workshop experts offered additional operational options that might be implemented:

- *Deception*: warships disguised as civil merchant shipping (like the World War II Q-ships).
- *Land strike*: armed assault upon safe havens and logistics activities on the shore. (However, it was argued that land strikes against identified pirate staging areas would be difficult to conduct and likely ignite anti-Western reaction and inflame Muslim sensitivities, making the cure worse than the disease.)
- *Blockade*: monitoring the entrance and egress of shipping into and out of Somalia in order to cut pirates off from their bases on land.
- *Embargo*: preventing the introduction, by land, sea, or air, of weapons, communications devices, and other equipment destined for use by pirate gangs.
- *Tailored exclusion zone*: prohibition (as noted above) of the use of certain items or devices, such as high-horsepower outboard motors, in designated areas, such as Somalia's exclusive economic zone.
- *Unmanned systems*: greater use of unmanned systems for detection and monitoring of piracy activity. (It was felt that such technology might reduce warship requirements and serve as a force multiplier for intelligence, surveillance, and reconnaissance.)

It was argued that smaller warships, such as offshore patrol vessels and corvettes, should be employed for combating piracy over the long term. Fast patrol boats are more efficient platforms than large warships for the task, and regional capabilities can be more easily aligned with small boat security operations. Until such time as regional maritime-security capacity can complement or eventually replace the foreign presence, nations could operate offshore patrol vessels from within the region. If safe port facilities are unavailable, such boats could be sea based, with logistics vessels. The limitations of smaller vessels, which include lower endurance and lack of organic aviation, can be offset by operating them in greater numbers from multiple ports and using land-based maritime patrol aircraft.

Further, the experts felt, there is in the near term a need to identify a single contact point—such as United Kingdom Maritime Trade Operations, in Dubai—for vessels facing immediate threats. Over the long term, creation of a regional maritime-security coordination center to fuse intelligence and share information is essential to shifting responsibility toward regional states. This need presents an opportunity for regional states dependent on the safety of freedom of navigation in the Horn of Africa—specifically Egypt, Saudi Arabia, and the Gulf states—to provide funding and training to that end. In one step in the right direction, at a maritime-security conference in Riyadh during the last week of June, delegates from eleven states of the Persian Gulf and Red Sea reached an agreement on creation of an Arab naval task force to address the threat of piracy to oil and gas tankers that transit the Red Sea and Suez Canal to and from the Mediterranean. Bahrain, Djibouti, Egypt, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen are expected to provide forces for the task force.

Finally, the workshop found, the development of an organic area coastal force, a Somali coast guard, is a necessary, if long-term, goal. The U.S. Africa Command and Central Command should consider creative approaches for international coalition commitments to training and equipping such a force. One opportunity for security assistance and capacity building is the nascent Somali coast guard. After two decades without a maritime force, the nation is developing a coast guard by training five hundred Somali sailors on the grounds of the old port in Mogadishu.⁸

ADDITIONAL FOCUS AREAS

Programs within Somalia

Regional and maritime action is required to contend with the challenge so long as pirates enjoy sustained sanctuary in Somalia. The last time the international community took military action to change the situation in Somalia, it did not go well. As for the future of governance in that nation, it was unclear to the participants whether a stronger central government, on one hand, or stronger clan system, on the other, would yield greater stability and governance. The dichotomy replicates all of the promise—and difficulty—experienced in Iraq and Afghanistan. Nonetheless, providing greater development assistance to Somali clan elders who may have some influence in reducing piracy was suggested. Relatedly, the potential for disrupting the piracy financing and ransom system through coordinated banking security was argued. (A month after the workshop, INTERPOL announced a plan to track piracy financing.)

Industry and Shipping Security

The international civil shipping industry, participants argued, will have to take additional steps to ensure the safety of merchant shipping in the areas of greatest risk. Merchant ships should continue to broaden their defensive responses, to include such passive measures as barbed wire strung on the lifelines and, potentially, assignment of security personnel (either organic or under contract) on board certain ships, such as slow vessels (dredgers and barges) or those carrying sensitive cargoes. At the third meeting of the Contact Group, in New York City on 29 May, Bahamas, Liberia, the Marshall Islands, and Panama, signed the New York Declaration, committing to bringing their large merchant fleets into compliance with the self-protection measures contained in the International Ship and Port Facility Security Code. Combined, these four states account for half the world's international shipping gross tonnage. A majority of experts—a total of twenty—either agreed or strongly agreed that the counterpiracy approaches taken by the merchant shipping industry were well aligned to the threat.

THE U.S. GOVERNMENT

In considering the American interagency process, the experts had mixed views on whether the disparate departments and agencies were working together effectively to address Somali piracy, with most experts characterizing the level of success as neutral or as successful but not “strongly” so. Finally, the majority of experts believed that the interagency community was working well to combat piracy. The experts, which included the lead representatives for antipiracy operations and diplomacy from within the agencies and departments of the U.S. government responsible for American policy, considered this statement: “Within the U.S. government, the interagency community is working together successfully to counter piracy.” Ten agreed with the statement. Six experts disagreed or strongly disagreed with it, but eight experts were neutral on the issue, so there was little consensus on the point.

In a follow-up question, sixteen of the experts held the view that the U.S. executive branch interagency community was working well together whatever the success such work produced. Five experts were neutral on this point, and three disagreed.

However, the experts rejected the idea that no impediments have to be overcome to facilitate interagency cooperation. When asked to evaluate the statement “There are no impediments to U.S. government efforts to achieve interagency cooperation,” nineteen experts either disagreed or strongly disagreed. Four experts were neutral on this proposition, one agreed, and one strongly agreed. The sense, then, is that effective interagency coordination against maritime piracy within the government faces an uphill struggle. This is

somewhat surprising, and discouraging, because American maritime-security policy is coordinated through the Maritime Security Interagency Policy Committee (MSIPC), under policy set forth in National Security Presidential Decision Directive 41 of December 2004. The departments of Defense, State, Homeland Security, and Transportation, as well as the intelligence community and other agencies, participate in regular meetings of that committee. The committee led development of the 2005 *National Strategy for Maritime Security*, annex B to that document, the 2007 *Maritime Security (Piracy) Policy*, and the December 2008 *Action Plan* to counter piracy off the coast of Somalia.

The depth of the discussion and the variety and originality of the discourse, conducted in a nonattribution environment, were productive. The seizure of the *Maersk Alabama*, in particular, has elicited from numerous commentators such prescriptions as “it’s time to get tough,” or “we have to change the risk/reward calculus” of the pirates. Ultimately, everyone agrees that the best solution is for a restoration of law and order within the country of Somalia, but neither the international community nor the United States has been able to produce such an outcome. Hard realities lie behind those platitudes, and they require that specific courses of action be patiently thought through, on the basis of an accurate picture of the causes and motivators of Somali piracy. Furthermore, the workshop demonstrated, there is no single solution to the problem of Somali piracy.

At least the rampant piracy off the coast of Somalia from the seizure of the *Sirius Star* to the attack on the *Maersk Alabama* in April 2009 has focused world attention on an often ignored corner of the globe. In May 2009 the Netherlands and Russia suggested creation of an international piracy court. But perhaps a more promising alternative would be to build the rule of law and capacity for governance and maintenance of security in the states throughout the region. Roughly five hundred men have recently joined the emergent Somali coast guard, but without fast patrol boats, radar, or communications equipment, the force is overmatched by the pirates.⁹ All, Somalia in particular, would benefit from increased security assistance. Just as important, capacity building would generate long-lasting benefits in economic and security partnerships and facilitate closer security integration with neighboring states, friends, and allies.

Operationally, the threat of piracy has presented the first test of the concept of a spontaneous “global maritime partnership” and of the U.S. sea services’ *Cooperative Strategy for 21st Century Seapower*.¹⁰ By any measure, the concepts are being validated, and the test is being passed. The follow-through, the movement from coordination among the larger out-of-area naval forces toward regional efforts and local capacity building, will require commitment, generous resources, and political resolution in East Africa and throughout the globe.

NOTES

An earlier version of this text has been circulated in pamphlet form as Commander James Kraska, JAGC, USN, *The Report on the U.S. Naval War College Workshop on Somali Piracy: Fresh Thinking for an Old Threat* (Newport, R.I.: Naval War College, 28 April 2009).

1. The workshop was sponsored with generous support from the Naval War College Foundation, SAIC Corporation, and Booz Allen Hamilton. Professor Dennis Mandsager, chairman of the International Law Department, provided strategic guidance for the project, and Commander Sandra Selman, USCG, was a principal organizer of the event.
2. This point was underscored on the second day of the workshop, when a number of attendees joined a U.S. government interagency phone conference to plan a course of action for dealing with the overnight hijacking and ensuing hostage standoff involving the M/V *Maersk Alabama*.
3. Ambassador Ahmedou Ould-Abdallah, comp., *Piracy Off the Somali Coast: Final Report: Assessment and Recommendations* (report of Workshop Commissioned by the Special Representative of the Secretary-General of the UN to Somalia, Nairobi, Kenya, 10–21 November 2008).
4. Richard Meade, "Pirate Threatens Increased Violence," *Lloyd's List*, 8 July 2009, pp. 1–2.
5. The sixteen countries were the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of India, the Republic of Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, and the Socialist Republic of Viet Nam.
6. *Kuala Lumpur Statement on Enhancement on Safety, Security and Environmental Protection in the Straits of Malacca and Singapore*, IMO Doc. KUL 1/4, 20 September 2006 (report of Kuala Lumpur Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security, and Environmental Protection, 18–20 September 2006), available at www.imo.org/.
7. The Singapore meeting also recognized the contributions of the straits states in the development of Malacca Strait security initiatives.
8. Alisha Ryu, "Analysts Skeptical New Somali Navy Can Fight Piracy," *Voice of America News*, 18 June 2009, available at www.voanews.com/english/.
9. Jamal Osman and Lauren Gelfand, "Somalia Trains Navy Recruits in Anti-piracy Struggle," *Jane's Defence Weekly*, 24 June 2009, p. 25.
10. See James Kraska and Brian Wilson, "The Co-operative Strategy and the Pirates of the Gulf of Aden," *RUSI Journal* 74, no. 81 (April 2009), and James Kraska and Brian Wilson, "The Global Maritime Partnership and Somali Piracy," *Defense & Security Analysis* 25, no. 3 (September 2009). The strategy was reprinted in the *Naval War College Review* Winter 2008 issue, available at www.usnwc.edu/press/.